

REMARKS

1. Claims 1-7, 9-29, 31-39, 41-51: Claims 1-7, 9-29, 31-39 and 41-51 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-20 of U.S. 6,764,396 in view of Frank et al. Applicants respectfully traverse this rejection based on the discussion below regarding the terminal disclaimer involving claims 1-7, 9-29, 31-39 and 41-48 and the remarks concerning claims 49-51.

Applicants request withdrawal of the obviousness-type double patenting rejection involving claims 1-7, 9-29, 31-39 and 41-48 in view of the terminal disclaimer (PTO/SB/26) filed in a previous response dated December 15, 2004.

The Examiner has indicated that the Terminal Disclaimer has been disapproved based on the contention that this agent is not authorized to represent the assignee. **NOTE:** In a telephone conversation with the Examiner in early April, agent for Applicants pointed out that records on file with the USPTO show that I am listed as an authorized representative of the assignee (PAIR system print outs for Customer Number 21707 and corresponding Customer Number match for USSN 10/663,396 enclosed). However, the Examiner referred me to Andre Robinson (Technology Center 3700 Paralegal) in order to resolve this matter. Mr. Robinson has not responded to any of my phone calls, so I am unable to resolve this matter without a formal response to the Office Action. Applicants respectfully request entry of the previously filed Terminal Disclosure in response to this rejection and reassert that the agent replying to this Office Action is an authorized representative of the assignee as confirmed by USPTO PAIR system records.

In addition, Applicants respectfully submit that claims 49-51 are not subject to the obviousness-type double patenting rejection asserted by the Office against claims 1-7, 9-29, 31-39 and 41-48. Claims 49-51 do not involve “media” or a “media dispenser” that are the basis for the Office’s obviousness-type double patenting rejection over U.S. 6,764,396 in view of Frank et al. Therefore, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection regarding claims 49-51.

2. Claims 8, 30, 40: Claims 8, 30 and 40 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims “7, 27 and 37” of U.S. 6,764,396 [Applicants assume the reference to indicated claims (7,27,37) is a typographical error and that claims 1-20 were actually intended by the Office] in view of Frank et al. and further in view of Bouedec. Applicants respectfully traverse this rejection and request withdrawal of the obviousness-type double patenting rejection in view of the terminal disclaimer (PTO/SB/26) filed in a previous response dated December 15, 2004.

The Examiner has indicated that the Terminal Disclaimer has been disapproved based on the contention that this agent is not authorized to represent the assignee. **NOTE:** In a telephone conversation with the Examiner in early April, agent for Applicants pointed out that records on file with the USPTO show that I am listed as an authorized representative of the assignee (PAIR system print outs for Customer Number 21707 and corresponding Customer Number match for USSN 10/663,396 enclosed). However, the Examiner referred me to Andre Robinson (Technology Center 3700 Paralegal) in order to resolve this matter. Mr. Robinson has not responded to any of my phone calls, so I am unable to resolve this matter without a formal response to the Office Action. Applicants respectfully request entry of the previously filed

Terminal Disclosure in response to this rejection and reassert that the agent replying to this Office Action is an authorized representative of the assignee as confirmed by USPTO PAIR system records.

3. Request for Clarification regarding Status of Preliminary Amendment (entered 12-29-03): Agent for Applicants originally contacted the Examiner in early December 2004 (telephonic) regarding status of the indicated Preliminary Amendment. Applicants respectfully request that the Office confirm that the subject matter (Figures 15-18 and changes to original paragraphs 65, 66 and 67 in the Specification) of the Preliminary Amendment in question does not raise any new matter issues. Confirmation that there is no outstanding new matter issue would be greatly appreciated due to the relationship of this application to copending counterpart applications.

If the Examiner has any questions regarding this response, the Examiner is encouraged to call the Applicants' Agent, Thomas J. Howell, at (775) 826-6160.

Respectfully submitted,

April 21, 2005



Thomas J. Howell, Ph.D.
Agent for Applicants
Registration Number: 34,351



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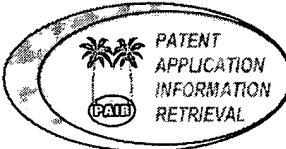
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**PATENT APPLICATION INFORMATION RETRIEVAL**

Search results as of: 3-23-2005::13:32:21 E.T.

Search results for application number: 10/663,396			
Application Number:	10/663,396	Customer Number:	21707
Filing or 371(c) Date:	09-15-2003	Status:	Final Rejection Mailed
Application Type:	Utility	Status Date:	03-17-2005
Examiner Name:	LAYNO, BENJAMIN	Location:	ELECTRONIC
Group Art Unit:	3711	Location Date:	-
Confirmation Number:	2905	Earliest Publication No:	US 2004-0082377 A1
Attorney Docket Number:	619.509 ACC.CIP-Instant L	Earliest Publication Date:	04-29-2004
Class/ Sub-Class:	463/017	Patent Number:	-
First Named Inventor:	Jerald Seelig, Pleasantville, NJ	Issue Date of Patent:	-
Title Of Invention:	Method and device for playing a game		

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File History

Date	Contents Description
03-18-2005	Mail Final Rejection (PTOL - 326)
03-16-2005	Final Rejection
01-13-2005	Paralegal TD Not accepted
01-13-2005	Date Forwarded to Examiner
12-20-2004	Response after Non-Final Action
12-20-2004	Workflow incoming amendment IFW
10-23-2004	IFW TSS Processing by Tech Center Complete
07-27-2004	New or Additional Drawing Filed
10-06-2004	Case Docketed to Examiner in GAU
09-20-2004	Mail Non-Final Rejection
09-17-2004	Non-Final Rejection
12-29-2003	Preliminary Amendment
03-05-2004	Case Docketed to Examiner in GAU

03-03-2004	Case Docketed to Examiner in GAU
02-05-2004	Case Docketed to Examiner in GAU
01-09-2004	Application Return from OIPE
01-09-2004	Application Return TO OIPE
01-09-2004	Application Is Now Complete
01-08-2004	Application Dispatched from OIPE
01-08-2004	Application Is Now Complete
12-29-2003	Additional Application Filing Fees
12-29-2003	Ommited Drawings. Applicant has Petitioned that the Filing Date not be changed and the Petition has
12-09-2003	Notice of Omitted Items
11-26-2003	Cleared by OIPE CSR
10-29-2003	IFW Scan & PACR Auto Security Review
09-15-2003	Initial Exam Team nn